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## THE "MUTUAL GOVERNMENT" OR "JOINT COMMISSION" PLAN OF PREVENTING INDUSTRIAL CONFLICTS

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It is my belief that the best manner of settling an industrial dispute is by preventing it, and while this may be a hibernianism, I believe it lies at the root of industrial peace. We are all of us prone to consider only our selfish individual privileges and by insisting on them, produce unnecessary collision and conflict, and this trait of human nature is possibly the more marked in the industrial relations than in any other phase of society. Finally, after conflict has come and the individual body is perhaps battered out of all semblance to its former self, we then seek cure for the injuries that might well be termed self-inflicted and wonder why we cannot find such ready at our hand.

I have said that we are so prone to stand selfishly upon our ultimate legal or moral rights, and insist upon the uttermost due *us* in the industrial world, that we think, in so doing, we are manifesting the most proper spirit, and that therefore we should brook no interference. Let us shift the scene for a moment into another relation of ordinary life. It is undoubtedly legally and morally my right to walk straight down the centre of the sidewalk on Market Street from the City Hall to the river, and in this right I will be upheld by all our social forces. It is, however, also equally the right of any other individual to walk from the river to the City Hall straight up the centre of the sidewalk. This is an individual right which is so well understood that it seems trite to allude to it. But do we stand upon it and insist upon it against all others? Not at all! Let *us* stop and consider for a moment what would happen should we attempt to insist upon this ultimate legal and moral right on the pavement of our city in the same manner as we insist upon our individual rights on the industrial pavement; friction, collision, violence would

rapidly follow each other and disorder would reign in our streets as it does too often in our workshops.

On the city pavement individuals are constantly meeting others moving in opposite directions; each steps to one side and yields a little of his individual right to the other, and does this so naturally as to do it largely unconsciously: each having thus yielded a little and received a little in return, each arrives quickly and without friction at his ultimate destination. Is this the way we think and act on the industrial highway? No! We stop to haggle as to which one shall yield first, *and yield all*, and then justify the action to ourselves for the delay occasioned, and the damage frequently entailed upon our business and property and upon the community by the claim that we are simply insisting upon our individual, moral and legal rights.

Now I have said that we should avoid industrial strike by preventing it. This thought is not new, and to this end there have been many methods devised, most of which have failed because they lacked the one thing needful. In any successful method for preventing industrial conflict, mutual interests, mutual responsibilities and *mutual yielding* must be combined—as on our streets, the yielding must not be all by one, but must be mutual.

The trade agreement is one of the things that has been looked to as affording promise of satisfying all concerned. There is no doubt but that the trade agreement is a step in the right direction, and a very great step, too from the condition of interminable warfare that has so long existed; at the same time the relief afforded by the trade agreement is not wholly satisfactory; the relief given is not permanent. One of the reasons for this, I think, is that the trade agreement is, after all, a compromise effected by bargaining and seldom or never embodies the mutual interests of those it seeks to protect in that full and careful manner that is absolutely required of any instrument, document or system upon which industrial peace is made dependent.

It may be and probably will be claimed that it is impossible to get away from that bargaining to which I have alluded as characteristic of the trade agreement and which is at once its only excuse for being, and at the same time its greatest weakness. To this I absolutely and most unqualifiedly dissent. It is possible to get away from "bargaining," and there is a better method than bargaining,

and although it may be claimed that that which I shall later on describe as being something better than the trade agreement is after all only another form of trade agreement, and only an additional or a different form of bargaining, I think it is susceptible of demonstration that there is a wide and a material difference between the two.

The trade agreement is simply an agreement or contract between two parties, not necessarily in accord with each other, in fact, usually not in accord at all, but who are forced by circumstances, perhaps, to deal with each other in this manner; and each of whom, therefore, in the making of the agreement endeavors to obtain every advantage possible over the other and to have introduced into the agreement such clauses and such matters as will enable them in the carrying out of the agreement to reap material advantage over the other.

Another disadvantage or weakness of what is known generally as the trade agreement is the fact that it is merely a contract setting forth the relations of the contracting parties to each other, and yet at the same time not setting up proper machinery for carrying out those relations or insuring that those relations will be held to by the individual units composing either party to the agreement. I hold that any contract or agreement to be of great utility in the industrial world must contain within itself the machinery necessary for carrying out its provisions.

Those of us who are familiar with the course of events are aware of the many charges of bad faith, some ill founded, some well founded, that have been made on both sides in the carrying out of trade agreements. It is, therefore, my belief that contracts or agreements, to be of real service in the industrial world, must contain a system or method by which the provisions of the contract may be constantly enforced on the individual units composing both parties thereto.

That this is not merely a captious criticism of the ordinary trade agreement is, I think, proven by the fact that the famous agreement made in the stove moulding industry failed after a few years; that the agreement made in the metal trades more or less failed after a few years' trial; while the mason builders' agreement, first entered into, I believe, in Boston some twenty years ago, has endured to the present time and is to-day in as good working order as it ever

was. This I think is due, not to any difference in the character of the people who entered upon the agreement, or to the particular terms of the agreement, other than so far as the mason builders' agreement set up a system of government, or machinery for enforcing the agreement and the carrying out of its provisions by joint action.

But it may be asked if you thus eliminate the trade agreement or contract what is there left us? The answer, although perfectly simple and plain, is one which requires deep thought on all sides before it is accepted, but is worthy of such consideration inasmuch as it solves the problem most satisfactorily.

I believe the reply to that query to be that we should establish in the place of a contract or trade agreement a system of government of the trade, under which the mutual interests of both employers and employees shall be carefully conserved and provided for. In order to secure such a form of government as shall be at once simple and yet permanent, various fundamental truths must be recognized, and one, if not the greatest, of these I hold to be that of the equality of relation between employer and employee.

It is not necessary to go into a discussion of the thought that employer and employee, labor and capital, are partners in any industrial enterprise, especially in manufacturing. But we will assume that such partnership is recognized as existing, not in a legal sense under which both parties share the losses and profits of the business, but in that more subtle sense of partnership in which both equally share, both are equally responsible and suffer in all the successes, the failures, and, above all, in the prosecution and environment of the business in which they are engaged.

Assuming then the fundamental truth of partnership, any system of government to be successful must be joint or mutual, and here we find a descriptive term coined ready at our hand, the term "mutual government," in which the equality of both sides is at once recognized and utilized to the advantage of both and the betterment of the industry.

In the lithographic trade, we have grown to recognize this to a very large degree, and the result is not only that peace reigns within our borders, but that we are enabled safely and profitably to handle those questions, the consideration of which usually racks an industry. One of these questions is at this present moment costing

thousands of dollars in the typographic industry besides making a breach between employer and employee which will require years of careful work to bridge.

You may be interested in learning how this method of mutual government is carried forward in the lithographic trade. Of course it rests primarily upon an agreement or contract, but this is not at all a trade agreement, as we have been considering that term, but simply a contract or agreement between the union and the association of employers setting up machinery for the conduct of that system which we have termed "mutual government." This machinery is simple, yet efficacious; it consists mainly of what we term "The Joint Commission," in connection with an efficient joint trade bureau, consisting of the national and local business representatives of the employers and workmen.

Joint commissions are of two kinds, local and national. The local joint commission and the national joint commission are alike in one particular, that is to say, they are made up of equal delegations from employers and employees. Their functions, however, are different.

Joint commissions are established from time to time for the purpose of trying individual or special cases arising under the application of mutual government, upon the complaint or call of either employer or employee, or employers' association or working-man's organization, and may be for the purpose of settling a dispute or for the rectifying of a grievance, or for the establishment of different or better trade conditions. Should a decision be arrived at by a local joint commission that decision becomes final and binding upon all the parties concerned, including both organizations. Should a local joint commission be unable to agree, the matter then goes before a national joint commission established for the purpose, and its decision, if arrived at, becomes binding upon all concerned. Should the national joint commission fail to agree upon any question it then goes to a board of three arbitrators, whose decision, of course, is final and binding. This in brief is the full machinery of mutual government, a piece of machinery which has been found to work smoothly, without friction and with almost perfect results in the desired object.

As a marked evidence of this it is a fact that there has never yet been made a decision of any local or national joint commission

since the system was established in the lithographic industry, governing any trade condition or question, that has ever been reopened by either party, and, on the contrary, many such conditions that have been decided have been accepted by both sides—mark you, by *both* sides, not by either one side or the other *alone*—as more satisfactory than they previously were to either employer or employee. Notable illustrations of this are the question of overtime regulations in the city of New York and the adjustment of wage scales in various cities. As a further evidence of this is found the fact that the question of the shorter work-week—that burning question at the present time in almost all organized industries—has been for two years and a half relegated by both employer and employee in the lithographic industry to the domain and decision of the joint commission and at the same time has not yet been brought up nationally for such decision. In other words, it has ceased to be a burning question in the lithographic trade, each party, both employer and employee, realizing most fully that when the time is ripe it will be brought before a joint commission, intelligently discussed, dispassionately considered and finally settled to the best interests of the trade at large, and therefore in the truest interests of both employer and employee. Furthermore, when such decision is arrived at the enforcing or carrying out of that decision will not entail either business losses or any other of the results usually attendant upon a warfare over the question.

Though I shall give only the barest outline of the system of mutual government, yet I wish to describe one of the practical outgrowths of mutual government, or what might be termed one of its auxiliary features. I allude to what we have termed the “joint apprentice system.” In the lithographic industry we have with several of the important unions set up between those unions and the employers’ association a joint apprentice system, under which there are a national and various local joint Apprentice Boards. These boards have entire jurisdiction and control over the apprentices in the trade. They examine the candidates for apprenticeship, they require doctor’s certificates as to health, oculists’ certificates as to eyesight; they examine into the moral character and capabilities of the candidate for apprenticeship, and then, after having secured the serving by the apprentice of a certain period of probation or trial, these Apprentice Boards

re-examine the apprentice and determine whether or not he has manifested the proper qualifications to warrant his continuance in the business. Furthermore, after the apprentice is indentured and in fact, during his whole term of apprenticeship, the Apprentice Boards can at any time stop the apprentice, or employer for that matter, and break off the relationship existing, either because the boy himself is not manifesting the proper application or ability or because the employer is not properly teaching the boy the business.

These Joint Apprentice Boards are built along the same lines as Joint Commissions, that is to say, they consist of equal delegations from employers and employees, and both employers and employees are enthusiastic over the work they are doing. It does not seem to be at all unreasonable to believe that within a comparatively short period the entire apprentice question, ratios and everything else will be in the hands of the joint apprentice system of the lithographic trade, and it is also probable that in due time this system will establish technical schools under its sole control as an adjunct of the practical instruction the apprentice receives in the work shops of the trade.

I have said that mutual government should receive deep consideration before being accepted to such extent as to place the important interests involved entirely under its domination and control. Our industrial interests are of such great importance not only to those immediately concerned, but to the whole community as well, and there have been so many systems and methods offered to the world as "cure-alls" for industrial ills, only to prove ineffectual after trial, that this plan of mutual government should be fully and carefully considered before being accepted. Yet I would not have you class mutual government amongst those systems which I have alluded to as being new ideas presented as "cure-alls," because mutual government, while it comes nearer perhaps to being a "cure-all" than those systems I have referred to, it is *not new*. The principle upon which mutual government is founded is as old as the "Golden Rule," yes, it is even older, it is as old as civilization; it is as old as the first thought or principle in humanity that led men to erect the monuments of human progress out of blocks cut perfectly square and true.

Mutual government is distinctly a business proposition, and while founded on those principles to which I have alluded as cov-

ered by the Golden Rule, it is not so established through any motive of sentiment, or because of the moral principle involved. It has been found as a business proposition that the establishment of systems of business on moral principles and in accordance with righteous ethics universally result in the enlargement and betterment of the business so aided, and at the same time, it is true, that the moral principles involved become more firmly established and extended. To paraphrase this thought, "Honesty is the best policy" is a good business proposition considering it simply *as a policy*, yet when carried out it results in the building up of honesty as a principle. This is the answer to those of our critics who would say that mutual government is an impossible form of government because founded upon moral principle, and that it is altogether a utopian idea; on the contrary, we have found it to be a hard, practical and *successful* business proposition.

In the establishment of mutual government it has been my lot and experience to meet with the opposition first of employers, and a notable instance of this that I have in mind is an employer who is a leader amongst employers, who declared the system was utopian in character and impossible of carrying out in these latter days of business competition. This position was maintained by this employer not only in private conversation but in public. There was also a prominent labor leader who opposed the establishment of mutual government upon much the same grounds and consistently maintained this position of opposition. During the past six months the labor leader referred to has stated to me that in his judgment mutual government was the system that would finally dominate and control the entire industrial situation of the country, if not of the world, and that he believed it was the solution of the vexing problem. The leader of employers to whom I have alluded has lately openly and in public stated much the same sentiment, and even gone further and said that the system of mutual government comprising joint action and arbitration was worth all the trouble, all the expense and all the warfare that had been or might be required to establish it. These instances are but two out of many which show how the system wins and holds its position.

Referring again to the lithographic industry in which mutual government has been for a few years established, and as evidencing the progress made by it, I would state that at first only yearly

agreements were possible between the employers' association and the organizations of workmen, each limiting the time to an experimental period. To-day we have an agreement for three years formulated and in process of ratification. Our trade is entirely tranquil. Customers, manufacturers, employers and workingmen are all alike satisfied that in the lithographic industry peace will continue and the trade questions now so prominently before the country will be taken care of so far as that industry is concerned without serious disturbance.

In conclusion, I think I have given a reasonable foundation for the belief previously expressed, that the best way of settling industrial conflict is by preventing it, and that this may be accomplished without the sacrifice either on the part of capital or on the part of labor of any of those fundamental rights to which each holds so tenaciously; but that on the contrary mutual government practiced in good faith and properly carried out affords the truest and best opportunity of conserving those rights which we all hold so dear individually, whether we be employer or workman.